

**REMARKS**

Claims 1-13, 15-27, and 29-38 were presented for examination in the present application. Claims 18 and 19 are cancelled. Claims 1-13, 15-17, 20-27, and 29-38 are presented for examination in the present application.

Claims 1-13, 15-27, and 29-38 were rejected under 35 U.S.C. §103 over any one of U.S. Patent Nos. 4,790,574 to Wagner et al. (Wagner), 3,944,265 to Hiemstra et al., 5,131,698 to Calmettes (Calmettes), 5,383,496 to Bridges (Bridges '496), 4,049,298 to Foti (Foti) and 5,362,107 to Bridges (Bridges '107) in view of Brandram.

Independent claim 1 has been amended to recite, in part, that the clamping band is "configured to mate over a segment where said first end overlaps said second end" and a gap that is "saddled by a sliding crosspiece that slides under said two free ends" emphasis added). Similarly, independent claims 34 and 35 each have been amended to recited that the clamping band is configured to mate over a segment where said first end overlaps said second end".

Thus, the clamping band of claims 1, 34, and 35 are configured to mate over a segment of overlapped pipe ends using a sliding crosspiece. Applicants respectfully submit that the cited art fails to disclose or suggest the use of the sliding crosspiece in combination with a clamping band that is configured to mate over a segment of overlapped pipe ends as claimed.

Applicants respectfully submit that Calmettes, Bridges '496, Bridges '107, and Brandram are all directed to couplings that connect pipes abutted ends, but not overlapped pipe ends.

More particularly, Calmettes is directed to a device for sealing two smooth tubes of the same diameter. See col. 1, lines 28-34. Bridges '496 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 19-23. Bridges

'107 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 16-19. Brandram is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface. See lines 20-30.

Thus, Calmettes, Bridges '496, Bridges '107, and Bradram all fail to disclose or suggest, alone or in combination, the claimed clamping band that is configured to mate over a segment of overlapped pipe ends.

Wagner, Foti and Hiemstra each disclose clamps or couplings configured to join overlapped pipes. However, the Office Action acknowledges that Wagner, Hiemstra, and Foti fail to disclose or suggest a gap being saddled by a sliding crosspiece. Rather, the Office Action asserts that Brandram discloses a sliding crosspiece.

Applicants respectfully submit that Brandram discloses a bridge piece or metal plate that is only is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See lines 20-30.

Thus, Applicants submit that Brandram specifically teaches away from the use of such a bridge piece or metal plate in combination with overlapped joints as in Wagner, Foti and Hiemstra.

In sum, Applicants submit that there is no teaching, suggestion, or motivation in the cited art to use a bridge piece or metal plate as in Brandram in combination with overlapped joints as in Wagner, Foti and Hiemstra. Further, there is no expectation that one could successfully modify the overlapped joints as in Wagner, Foti and Hiemstra to include the bridge piece or metal plate as in Brandram.

Rather, Applicants submit that the Office Action has used an improper standard in arriving at the rejection of the above claims under section 103, based on improper

hindsight which fails to consider the totality of Applicants' invention and to the totality of the cited references. More specifically the Examiner has used Applicants disclosure to select portions of the cited references to allegedly arrive at Applicants' invention. In doing so, the Examiner has failed to consider the teachings of the references or Applicants invention as a whole in contravention of section 103, including the disclosures of the references which teach away from Applicants invention.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of amended claims 1, 34, and 35.

Thus, claims 1, 34, and 35 are patentable over the cited art. Claims 2 through 13, 15 through 17, 20 through 27, 29 through 33, and 36 through 38 depend from claims 1 and 35, respectively, and, thus, are also patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

It is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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